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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,676

06/12/2006

John Alan Gervais

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4964

24498 7590 10/19/2010
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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2492

MAIL DATE

DELIVERY MODE

10/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/582,676</p>	<p>Applicant(s) GERVAIS ET AL.</p>	
	<p>Examiner ARAVIND K. MOORTHY</p>	<p>Art Unit 2492</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 10-13.
Claim(s) objected to: _____.
Claim(s) rejected: 1-9.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Aravind K Moorthy/
Primary Examiner, Art Unit 2492

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that Freeman is directed towards a technique for securely changing encryption keys. The applicant argues that although both use encryption, Freeman's technique has little applicability to the conditional access systems described in the present specification. The examiner respectfully disagrees. Freeman discloses that once a user has had access to a particular set of encrypted files, several prior art approaches exist for securely removing that access. These prior art approaches include: 1) changing the key-pair for the cryptographic file-set, 2) changing the symmetric encryption key for new writes, and 3) re-encrypting the entire file-set for which access rights have changed. Each of these approaches has drawbacks. Simply changing the key-pair that encrypts the symmetric file encryption key is not secure because no means exists for verifying that a user did not cache the symmetric file encryption key, which would allow access not only to previously stored information, but new information as well. Changing the symmetric encryption keys that are used for newly stored information provides some protection, but a user can still access all of the previously stored information in the cryptographic file-set. This solution has the additional disadvantage that there may eventually be many encryption keys needed to read a single file, which makes the system overly complex. The most secure solution is to re-encrypt the entire cryptographic file system when a user's access to the file-set is removed. While the most secure, this method is also very costly, especially if user access rights change frequently. A Secure Key Replacement Protocol (SKRP), as described below, provides a safe and convenient way to change access rights [0030]. The applicant argues nowhere does March teach or suggest that the feature of an access card having a write-once memory and paired with a destination device. The examiner respectfully disagrees. March teaches a write-once memory [0037]. March teaches that the data can only be written into the memory device by only the manufacturer of the device [0025]. Therefore, the manufacturer is paired with the memory device. The applicant argues that Freeman fails to disclose or suggest conditional access data and conditional access certificates. The examiner respectfully disagrees. As discussed above, Freeman discloses conditional access data. Freeman discloses that the certificate has a validity date [0028]. Since the certificate has a validity date (conditional time), Freeman discloses conditional access certificates..